

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,

No. C 04-0098 SI

Plaintiffs,

**ORDER DENYING PLAINTIFFS'  
MOTION TO EXTINGUISH LIENS**

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

Plaintiffs have filed a motion to extinguish liens filed by various lienholders. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument, and VACATES the May 23, 2008 hearing. As plaintiffs' counsel is well aware, there are several pending motions related to the ultimate disposition of the interpleaded funds, including the parties' upcoming motions regarding the Special Master's decision on Ms. Parker's standing to seek fees. The instant motion is premature, and the Court will not consider whether the lienholders are entitled to any recovery until the Court first resolves the attorneys' fees issues.

Accordingly, the Court DENIES plaintiffs' motion. (Docket No. 1052). Relatedly, the Court will not approve the stipulation between Mr. Davis and Mr. McCoy at this time; the Court will consider that settlement and stipulation at the time the Court resolves the competing claims to the interpleaded funds.

**IT IS SO ORDERED.**

Dated: May 20, 2008

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge

**United States District Court**  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28